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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/901,044 | 07/10/2001 | Takeshi Nishiuchi | 010883 | 6430 |

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EXAMINER

MORGAN, EILEEN P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3723

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DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,044

Applicant(s)

Nishiuchi et al.

Examiner

Morgan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 14, 2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 14 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,7-12,18,19,21,22,27 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Carpenter, Jr. et al-4,003,164.

Claims 23-26 do not further limit the apparatus of claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim2-6,13-17,28 rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter, alone.

In regard to claims 3-6, Carpenter does not show the tubular barrel being in the shape of a triangle, square or rhombus. However, to change the shape of the barrel would have been

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obvious to one of ordinary skill in the art at time invention was made in order to accommodate differently shaped workpieces and to produce various machining effects.

In regard to claims 13-17,28 to have more than one compartment in the barrel would have been obvious at time invention was made to one of ordinary skill in the art in order to individually treat a variety of workpieces simultaneously.

5. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter in view of Steube. Carpenter does not disclose using a plurality of barrels. However, Steube teaches using a plurality of barrels to more efficiently treat a greater amount of work pieces. Therefore, to provide Carpenter with a plurality of barrels as taught by Steube, would have been obvious at time invention was made to one of ordinary skill in the art in order to treat more workpieces simultaneously.

6. Claims 1-21,23-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Steube - 4,116,161. in view of Pletscher

Steube discloses a tumbling apparatus having a mesh porous peripheral surface and having a plurality of barrels spaced about a rotational axis. Steube does not disclose the barrels having stops or being triangular. However, Pletscher teaches dry surface treating apparatus having a tubular barrel having protrusions (stops) or being in the shape of a regular triangle for treating workpieces. Therefore, to provide the barrel of Steube with stops or a triangular shape, as taught by Pletscher, would have been obvious at time invention was made to one of ordinary skill in the art in order to provide increased tumbling of the workpieces. Claims 23-26 do not further limit the

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apparatus of claim 1. In regard to claims 5 & 6, Steube does not show the tubular barrel being in the shape of a square or rhombus. However, to change the shape of the barrel would have been obvious to one of ordinary skill in the art at time invention was made in order to accommodate differently shaped workpieces and to produce various machining effects.

In regard to claims 13-17, to have more than one compartment in the barrel would have been obvious at time invention was made to one of ordinary skill in the art in order to individually treat a variety of workpieces simultaneously.

7. Claim 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Steube in view of Pletscher, as applied to claims above, and in further view of Kanouse - 5,782,677.

Steube does not disclose the barrel used as a blasting chamber. However, Kanouse teaches an apparatus having a tubular barrel for blast treating workpieces. Therefore, it would have been obvious at time invention was made to one of ordinary skill in the art to provide the apparatus of Steube with a blasting nozzle, as taught by Kanouse, in order to more thoroughly abrade workpieces.

Response to Arguments


8. Applicant's arguments filed 5-14-03 have been fully considered but are moot in view of the new grounds for rejection.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to E. Morgan whose telephone number is (703) 308-1743.

EM

July 28, 2003



EILEEN P. MORGAN
PRIMARY EXAMINER